

**MINUTES  
CITY OF SUWANEE, GEORGIA  
PLANNING AND ZONING COMMISSION  
March 4, 2014**

**PLANNING AND ZONING MEMBERS:** Present: Pete Charpentier, Sharu Rajgiri, Anthony Manners and Larry Pettiford. Staff members present: Josh Campbell, Matt Dickison and MaryAnn Jackson. Absent: Elizabeth Sawicki

**CALL TO ORDER**

Josh Campbell called the meeting to order at 6:32 pm

**ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON**

*Anthony Manners nominated Pete Charpentier for Chairperson, second by Sharu Rajgiri. Motion carried 4-0. Josh Campbell turned the meeting over to Pete Charpentier. Pete Charpentier nominated Larry Pettiford for Vice Chairperson, second by Anthony Manners. Motion carried 4-0.*

**ADOPTION OF THE AGENDA**

*Anthony Manners moved to approve the agenda, second by Sharu Rajgiri. Motion carried 4-0.*

**ADOPTION OF THE MINUTES: December 3, 2013**

*Anthony Manners moved to approve the December 3, 2013, second by Sharu Rajgiri. Motion carried 4-0.*

**OLD BUSINESS**

**NEW BUSINESS**

**SUP-2014-001** - Owner: Madison Retail – Suwanee II, LLC. Applicant: MaLisa and Kevin McOmber. The applicant requests a special use permit in the Planned Mixed- Use Development District to allow for a residence with a bed and breakfast. The site is located in Land Lot 236 of the 7th District at 320 Town Center Avenue and contains approximately 1.81 acres.

**Planning Department Recommendation: Approval with conditions**

Matt Dickison presented the staff report as follows: The applicants request a special use permit to allow for a bed and breakfast in existing residential condominium units located within Suwanee Town Center. The first phase of the bed and breakfast facility would be located in Unit 307 of 320 Town Center Avenue. Unit 307 is the corner unit on the top floor (over Pooch N’ Paws pet shop) of the mixed-use building adjacent to City Hall. The bed and breakfast would initially contain four rentable bedrooms with common living, dining and kitchen areas for guests and staff. Any future expansion of the bed and breakfast into adjacent units (Unit 306 or 206) would be limited to 10 bedrooms. Each bedroom would have its own private bathroom. Due to increased parking standards for

hotels/motels, a modification to the existing rear parking area/motor court is also required. In total, 18 additional parking spaces will be provided within the gated area behind the existing building. The applicants have a contract to purchase all eight of the unfinished units and intend to occupy one of the other units as their private residence. Only one unit, Unit 206, has been built-out. (See Exhibit E)

The subject property was rezoned in 2003 per RZ-2003-007 to Planned Mixed Use Development (PMUD) district. According to the conditions of zoning, residential uses, consistent with the recommendations of the New Town Center Plan, shall be allowed on the second or third stories above commercial or office uses. Bed and breakfasts are allowed in some residential districts in the City, but only as a special use. As such, a Special Use Permit is required for a bed and breakfast in the residential component of this building.

If the special use permit is approved, the applicants intend to make some exterior changes to the existing building. The Gwinnett County Fire Marshal will need to review the plans for compliance with fire safety and ADA requirements. The City will need to review the plans for compliance with building code requirements. At a minimum, a commercial elevator and stairs will be required to meet ADA regulations and fire safety standards. All interior changes will be reviewed through the standard Building Permit process. Any land disturbance activities within the enclosed parking/motor court area will also need to be reviewed and permitted through the normal development process.

The subject property is a 1.81 acre parcel located in the Town Center mixed-use development. The property was rezoned in 2003 to Planned Mixed Use Development (PMUD) district (RZ-2003-007). The Town Center PMUD includes office, commercial, residential and municipal land uses in addition to Town Center Park. Residential property along Town Center Avenue is located above the retail establishments and restaurants. The residential units in the subject building at 320 Town Center Avenue were never finished, with the exception of Unit 206, and no units have ever become occupied. The applicant plans to purchase all eight units.

The applicant intends to utilize three units (Unit 307, Unit 206 and Unit 207) in some combination to accommodate a private residence and the proposed bed and breakfast. At this time, the applicant intends to convert Unit 307, which is the 3<sup>rd</sup> floor corner unit, into a 4 room bed and breakfast. Unit 207, which is the 2<sup>nd</sup> floor corner unit, and Unit 206, which is a two floor unit adjacent to Unit 207 and 307 will be used to accommodate a private residence and the potential future expansion of the bed and breakfast business. According to the applicant, any future expansion of the bed and breakfast will not exceed ten private bedrooms.

The applicant is proposing to add 18 additional parking spaces in the private parking area/motor court behind the building. This parking area is separate from the public parking area constructed behind the building that provides parking for patrons visiting the commercial businesses along Town Center Avenue. The public parking area will not be impacted by these changes. The private parking area/motor court is currently gated with

mostly garage parking. The new spaces would be outdoor parking spaces along the edge of the private motor court area. (See exhibit D) The proposed spaces will meet the standards for parking spaces and drive aisle width along with the minimum number of required parking spaces for a bed and breakfast with 10 rooms. Hotels/Motels are required to have one space per unit. Residences are required to have a minimum of two parking spaces per dwelling unit. For a 10 bedroom bed and breakfast and 6 residential units a total of 22 parking spaces would be required. Currently, there are 16 parking spaces located within attached garages and the applicant is proposing to add 18 spaces within the private motor court for a total of 34 parking spaces. As such, the site can accommodate the parking needed to serve the proposed bed and breakfast.

The subject property is located within the Town Center planned mixed use development. As such, it is surrounded by a mixture of municipal, office, residential and commercial uses. The proposed bed and breakfast would not be out of character for the area. A bed and breakfast is generally a low impact use and fits better with residential uses than most other non-residential uses. Furthermore, bed and breakfasts are typically found in residential areas since they are typically located within existing residential neighborhoods.

The 2030 Comprehensive Plan identifies different character areas within the City. The subject property is in the Town Center Character Area. The Town Center Character Area calls for the continuation of a mixture of compatible uses. The addition of a bed and breakfast would not be out of place or conflict with the recommendations of the Comprehensive Plan. The Future Land Use Plan recommends Mixed Use Center uses for the property. A Bed and Breakfast is compatible with this land use designation.

In conclusion, the requested special use permit for a bed and breakfast would be appropriate at this location. Town Center currently contains a mixture of land uses within close proximity to one another. The bed and breakfast would be the first occupant of the second floor, so no current residents would be impacted. In addition, bed and breakfasts are typically located within existing residential neighborhoods. With the additional parking spaces to accommodate the increase parking demand, there should be no adverse impacts to the surrounding area. Therefore, staff recommends approval with conditions of SUP-2014-001.

Pete Charpentier called upon the applicant.

Kevin McOmer, 220 Roberts Road, Suwanee, GA. Mr. McOmer stated that he and his wife have lived in Suwanee for about 20 years. They plan to reside in the Town Center Park location. Mr. McOmer explained that the unit numbers would change.

Anthony Manners asked about the condition of the units. Kevin McOmer explained that only one unit is complete at this time.

MaLisa McOmer, 220 Roberts Road, Suwanee, GA. Mrs. McOmer stated that they will start with four bedrooms with private baths. The intent is to focus on the leisure

business traveler. The main focus will be on adults, no children under 18 years of age or pets.

Pete Charpentier asked about the size of the rooms. Mrs. McOmber stated that the rooms will vary in size. There will be a main dining room and a common area on the third floor.

Kevin McOmber explained that there will be a commercial elevator installed.

Larry Pettiford asked about modifications to the exterior. Kevin McOmber indicated that the exterior is still being designed.

Pete Charpentier called for opposition.

Eric Wilks, no address given. Mr. Wilks asked if the bed and breakfast would expand to the entire building. Mr. McOmber indicated that the bed and breakfast would not expand through the entire building.

***Larry Pettiford moved to approve SUP-2014-001 with amended conditions, second by Anthony Manners. Motion carried 4-0 (additions = bold italics, deletions = strikethrough):***

1. The bed and breakfast shall be limited to ~~Units 307, 207 and 206~~ **the area indicated on Exhibit E.**
2. The bed and breakfast shall have a maximum of 10 private bedrooms. There shall be at least one bathroom for each bedroom provided.
3. A minimum of 6 but no more than 18 additional parking spaces shall be provided. Parking shall be provided in a manner consistent with Exhibit D.

**AMD-2014-001** – A proposed amendment to the City of Suwanee Zoning Ordinance including Article III Definitions, Article V Zoning District Development and Use Regulations, and Article XXI Amendments in order to create a new zoning district for governmental uses and definitions as well as amending the procedures for city initiated rezonings.

Josh Campbell presented the staff report as follows: In Suwanee there are 711 acres of land belonging to governmental entities for government purposes. These properties include a park and a library that belong to Gwinnett County; schools and training facilities that belong the Gwinnett County Board of Education; and a number of open space, park, administrative, cemetery uses and buildings that belong to or are operated by the City. They are zoned to various districts including commercial, industrial, residential and mixed use districts, many of which do not accurately convey the uses that are taking place on the site.

Because of this, the zoning map conveys an inaccurate image of the City that can potentially cause inefficiencies. For instance, George Pierce Park is a 330-acre county owned park that is zoned a mixture of residential districts. This could give the impression that there is the potential to develop another 400+ residential units on the property. If the County school system is relying on the accuracy of this information then it could give the impression that there would be the need to hire enough additional teachers at some point to serve an additional 400+ residential units.

As such, the City is proposing to: 1) create a new zoning district that captures these governmental uses and 2) rezone all of the property owned by a government and used for governmental purposes. Attached is a proposed zoning ordinance amendment which defines governmental buildings and uses and creates the Government Use District (GUD). Also attached are two maps. One highlights the current zoning of the affected parcels. The other map indicates what the zoning map would look like if the proposed district is adopted then implemented. Note that there are several parcels owned by the City that are not included. These are parcels that may be used for economic development in the future. Ultimately, the intent of this Zoning Ordinance amendment and City initiated rezoning is to ensure that we are providing more accurate zoning information.

A second component of this amendment would change the notification requirements for city initiated rezonings. Currently, the City must go through the same notice requirements with a city-initiated rezoning as are required for a private request. These steps include advertising in the Gwinnett Daily Post, mailing letters to all abutting properties and placing a sign on the property.

In most cases when a private citizen or company proposes a rezoning it is usually for one or a few contiguous properties. In this case, placing a single sign and mailing letters to adjacent property owners is simple. However, City initiated rezonings, like the GUD potential rezoning for example, often involve many properties that are not contiguous which makes the letters and sign requirements burdensome and expensive. The Zoning Procedures Act only requires cities to run an advertisement in a newspaper with general circulation within the territorial boundaries of the city. However, Suwanee's zoning ordinance includes additional steps, which must be followed. These additional steps are additional opportunities to commit procedural errors.

Therefore, the Planning Department proposes amending the zoning ordinance to require the City to meet the procedural requirements of the Zoning Procedures Act. That will result in only requiring the City to place an advertisement in the Gwinnett Daily Post.

Pete Charpentier asked if the amendment would only address city initiated rezonings. Josh Campbell explained that this amendment is only for city initiated rezonings.

Josh Campbell stated that the City of Suwanee would not send letters to adjoining property owners for city initiated rezonings. The rezonings will be advertised in the Gwinnett Daily Post. Pete Charpentier expressed concern for the citizens of Suwanee who do not receive the Gwinnett Daily Post.

Discussion ensued amongst the Planning Department and The Planning Commission regarding procedural error.

The Planning Commission requested that staff revise the amendment to address their concerns about notification.

*Anthony Manners moved to table AMD-2014-001 until the next regularly scheduled Planning Commission meeting, second by Larry Pettiford. Motion carried 4-0.*

**OTHER BUSINESS**

**ANNOUNCEMENTS**

**ADJOURNMENT**

*Anthony Manners moved to adjourn at 7:31 pm.*